

SENTENCING COMMISSION MINUTES

Committee	Utah Sentencing Commission
Date	Wednesday, February 8, 2012
Time	Noon – 1:30 p.m.
Location	Utah State Capitol Complex, Senate Bldg., CCJJ Conference Room
Members Present	Patrick Anderson, Paul Boyden, David Brickey via telephone, Susan Burke via telephone, Curt Garner via telephone, Marlene Gonzalez via telephone, Ron Gordon, Rep. Richard Greenwood, Benjamin McMurray, Mark Moffat via telephone, Judge Ric Oddone via telephone, Tom Patterson via telephone, Rep. Jennifer Seelig, Sy Snarr via telephone, Senator Dan Thatcher, Kirk Torgensen via telephone, Carlene Walker
Members Excused	Judge Kevin Allen, Deween Durrant, Judge Janice Frost, Judge Thomas Low, Senator Ben McAdams, Judge Gregory Orme, Chief Ed Rhoades, Sheriff James Winder
Staff & Visitors	Staff: Jo Lynn Kruse, Jacey Skinner Visitors:
Agenda Item	Welcome
Notes	Carlene Walker called the meeting to order and welcomed everyone.
Agenda Item	Judgment of Death – Lethal Injection Issues
Notes	<p>The availability of substances used in lethal injection was discussed at the December meeting. At that time, the Commission put together a subcommittee to review the issue. The subcommittee reviewed the issue and asks the Commission to go forward with the draft legislation before you, 77-18-5.5 Judgment of death – Method is lethal injection – Exceptions for use of firing squad.</p> <p>There is one execution currently scheduled in April, but it is a firing squad case and wouldn't be affected by this statute. There have been two decisions from the Utah Supreme Court on pending cases in the last few months, highlighting that it is impossible for us to know with certainty when a particular case will reach conclusion. The subcommittee recommends that it is better that we approach the issues with the statute generally than try to address issues while trying to follow through with a specific warrant. We have been closely following what is happening in other states and their experience increasingly is that they are unable to lawfully obtain substances within reasonable means.</p> <p>We still recommend that the Commission continue to review the issue throughout the upcoming year, given the increased difficulty that states are having in their attempts to obtain the required substances. Amending the statute will ensure that our state has the ability to carry out the lawful sentence of a jury and order of the court. Kirk Torgenson made the motion to approve the draft. Judge Oddone seconded the motion, which passed with 12 yes votes and 5 no votes.</p>
Next Meeting	The next meeting will be on April 18, 2012, Annual Meeting, State Capitol Complex, House Bldg., Room 30.

Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ